

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CASSIUS CLAY, SR.,)	
)	
Plaintiff,)	
)	Civil Action No. 05-125E
v.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
TRACEY REEVES, et al.,)	
)	
Defendants.)	

ANSWER TO COMPLAINT

AND NOW, come the defendants, Tracey Reeves, Angie Marhefka, Jack Loughry, Brimmer, Burks, Beard and D.J. Wakefield, by their attorneys, Thomas W. Corbett Jr., Attorney General, Craig E. Maravich, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully submit the following:

FIRST DEFENSE

Pursuant to Fed.R.Civ.P.Rule 8, defendants generally deny the allegations contained in the complaint that the prisoners rights were violated under the First, Fifth and Fourteenth Amendments or under any other state or federal law as may be liberally construed to exist in the pro-se complaint.

SECOND DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

THIRD DEFENSE

The Complaint is barred by the Prison Litigation Reform Act.

FOURTH DEFENSE

The Complaint is barred by the In Forma Pauperis Statutes.

FIFTH DEFENSE

Plaintiff failed to exhaust his administrative remedies.

SIXTH DEFENSE

Defendants are entitled to Sovereign and Official Immunity.

SEVENTH DEFENSE

Defendants are entitled to immunity under the Eleventh Amendment.

EIGHTH DEFENSE

Defendants are entitled to Qualified Immunity.

NINTH DEFENSE

Defendants are entitled to all applicable affirmative defenses.

TENTH DEFENSE

Plaintiff failed to properly serve all defendants.

ELEVENTH DEFENSE

This Court may lack jurisdiction over certain claims and/or defendants.

TWELFTH DEFENSE

Plaintiff fails to demonstrate the requisite personal involvement for each defendant

THIRTEENTH DEFENSE

No reasonable fact finder could find in favor of plaintiff.

FOURTEENTH DEFENSE

Certain claims may be barred by the Statute of Limitations.

FIFTEENTH DEFENSE

Plaintiff has procedurally defaulted claims contained in his complaint.

SIXTEENTH DEFENSE

Defendants reserve the right to amend this pleading as they deem needed or necessary.

CONCLUSION

WHEREFORE, it is respectfully requested judgment in favor of defendants be granted.

Respectfully submitted,

THOMAS W. CORBETT JR.,
Attorney General

By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
Deputy Attorney General
PA I.D. #86219

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: July 14, 2006

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2006, I electronically filed the foregoing *Answer to Complaint* with the Clerk of Court using the CM/ECF system. And I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non CM/ECF participants:

Cassis M. Clay, Sr., DQ-5954
SCI-Forest
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By: /s/ Craig E. Maravich
CRAIG E. MARAVICH
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Date: July 14, 2006